IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21454 of 2004

Between:

P. Masthan S/o. Kotaiah
R/o. D.No. 5-178/A, A.P.S.P.Camp, Mangalagiri,
Guntur District.

..... PETITIONER

AND

1 The District Collector
Guntur.
2 The Revenue Divisional Officer
Revenue Divisional Office, Guntur.
3 The Mandal Revenue Officer
Mandal Revenue Office, Mangalagiri,
Guntur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the action of the respondent in not considering the application of the petitioner dated 28.7.2004 for assignment of land under ex-servicemen category as illegal arbitrary and consequent direct the respondents to consider the application of the petitioner.

Counsel for the Petitioner: MR.A.JAGANNATHA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORAL ORDER:

The petitioner has filed this writ petition seeking a Mandamus to declare the action of the respondents in not considering the application dated 28.7.2004 submitted by the petitioner for assignment of land under category of Ex-servicemen as illegal and arbitrary.

The petitioner seems to have served the Indian Army for a period of 15 years and he was discharged from service on 31.1.1981. According to him, the defence personnel are entitled to the assignment of Government land and he filed an application, dated 28.7.2004 before the 3rd respondent-Mandal Revenue Officer for assignment of land, but no action has been taken so far. Hence, the writ petition.

The learned counsel for the petitioner has contended that if the petitioner is otherwise eligible, the Government may assign some land to him and the same shall have to be considered by the 3rd respondent.

The learned Government Pleader for Revenue has contended that the case of the petitioner will be considered in accordance with the rules. It is not denied that the petitioner was an Ex-serviceman, who

served the Indian Army for about 15 years. Whether the petitioner is eligible for the assignment of land is required to be decided or adjudicated with reference to the rules and provisions of the relevant acts. The 3rd respondent is the competent authority to take appropriate decision and pass appropriate orders on the representation of the petitioner.

In the light of the above, the 3rd respondent is directed to take an appropriate decision in accordance with law, on the representation, dated 28.7.2004 made by the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

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(K.C. BHANU,J.)

24th November, 2004.

To

1 The District Collector,
Guntur District, Guntur

2 The Revenue Divisional Officer
Revenue Divisional Office, Guntur.
3 The Mandal Revenue Officer
Mandal Revenue Office, Mangalagiri,
Guntur District.

4. Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT)

5 Two C.D. copies

Note: Furnish copy in two days

B/o

bcj